

### **Remarks**

Claims 1-20 are pending in the application. Claims 1-12 are rejected, while claims 13-20 are withdrawn from consideration. By this paper, claim 6 is amended. Based on the following, consideration of the amended claim, and reconsideration of the remaining claims, are requested.

#### **Claim Rejections—35 U.S.C. § 112**

The Examiner rejected claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner objected to the term "aesthetic pattern" in claim 6, stating that it is a relative term which renders the claim indefinite. Although Applicants respectfully disagree with the Examiner's rejection, claim 6 is amended by this paper to remove the term "aesthetic pattern". Applicants request that the Section 112 rejection of claim 6 be withdrawn.

#### **Claim Rejections—35 U.S.C. § 103**

The Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2004/0071936 (Martelli) in view of the publication "Etching in Microsystem Technology" (Köhler), and U.S. Patent No. 4,944,986 (Zuel). Regarding claim 1, the Examiner states that Martelli teaches a method for producing a mold tool to achieve a reduced gloss appearance on the surface of a polymeric component, including the steps of removing material from an unmasked portion of the tool and forming a tool surface pattern including a plurality of raised portions. The Examiner further states that Martelli does not teach that the maximum width of the raised portions is less than 350µm, as specifically recited in claim 1 of the present application. The Examiner goes on to say that "it is notoriously old and well known in the science of scattering light (diffusion) that the width and density of depressions and raised portions may vary within the recited micron range, in

order to produce a diffusion of light effect on a surface, such as gloss reduction as recited in Martelli." The Examiner then references Zuel for teaching the forming of a light diffusion effect on a surface, where the raised portions have a maximum width less than 350 $\mu$ m, specifically, stating that "Zuel teaches a width of 10-120 $\mu$ m...."

At the outset, Applicants submit that there is no teaching or suggestion to combine the Zuel reference with Martelli, and therefore the combination cannot be properly relied upon in an obviousness rejection of the claims. For example, Zuel describes the use of various treatments to a glass surface to produce an anti-reflective surface on the glass. The treatments described by Zuel are applied directly to the anti-reflective surface itself. In contrast to this, Martelli describes treatment of a mold surface that will later be used to produce an anti-reflective component. The considerations involved with treating a mold surface prior to actually producing a component, are markedly different from the considerations involved in treating the actual end component itself. One of the advantages of treating a mold surface to later produce a finished component is that subsequent treatments of the finished component may be completely unnecessary. The improper juxtaposition of these two references is apparent from the Examiner's own language, stating that Zuel teaches a width of the raised portions of 10-120 $\mu$ m. The raised portions on a mold will translate into depressions or cavities in the surface of the finished parts. Zuel discusses raised portions of 10-120 $\mu$ m, but these raised portions are on the surface of the finished component—i.e., the glass—not a mold used to make the glass. (Col. 5, ll. 30-35.) Thus, the discussion of the diameter of "islands" in Zuel speaks to exactly the opposite feature that will be present in a finished part produced by the method recited in claim 1, and the method discussed in Martelli.

The MPEP is very clear when it states that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01, 8<sup>th</sup> ed., Rev. 3. The Examiner has not shown that there is any teaching or suggestion to combine Zuel with Martelli, particularly since Zuel teaches a process that the method of Martelli seeks to avoid. The blow molded plastic containers described in Martelli are not candidates for the direct

application of surface treatments as described in Zuel. In fact, applying the direct surface treatment to the plastic containers described in Martelli would render them unsatisfactory for their intended use. The MPEP very clearly states that when a modification to a device renders it unsatisfactory for its intended purpose, a lack of suggest or motivation to make the modification is indicated. MPEP § 2143.01, 8<sup>th</sup> ed., Rev. 3. Thus, Applicants maintain that the combination of Zuel with Martelli and Köhler is improper, and respectfully submits that the MPEP requirements for establishing a *prima facie* case of obviousness have not been met.

Claims 2-6 each depend directly from claim 1, and therefore, contain all of the limitations of claim 1, as well as additional limitations which further distinguish them from the cited references. Therefore, with regard to claims 2-6, Applicants submit that the MPEP requirements for establishing a *prima facie* case of obviousness have not been met.

The Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Martelli in view of Köhler and Zuel, and in further view of U.S. Patent No. 6,988,342 (Luetgert et al.). In these rejections, the Examiner relies on Luetgert et al. for a teaching that "it is old to align and join different patterns together as required to cover the surface to be etched." The Examiner references column 7, lines 51-56 of Luetgert et al. in support of this proposition. In fact, this portion of Luetgert et al. states that "[i]f multiple pattern transfers are used, the transfers must be aligned and joined together." (Col. 7, ll. 51-52.) Here, Luetgert et al. does not describe the use of two different patterns as specifically recited in claim 6 of the present application. Rather, Luetgert et al. discusses the use of multiple pattern *transfers*, presumably having the same pattern, and that is why it is important to "align and join" them together—so that there is no obvious line of demarcation between different pattern transfers. There is nothing to indicate that two separate patterns are being used as specifically recited in claim 6 of the present application. Moreover, as discussed in detail above, Zuel is not properly combined with the other references in an obviousness rejection. Therefore, with regard to claims 6 and 7 and the recited combination, Applicants respectfully submit that the MPEP requirements for establishing a *prima facie* case of obviousness have not been met.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Martelli in view of Köhler, Zuel and Luetgert et al., and in further view of U.S. Patent No. 3,656,951 (Anderson et al.). Here, the Examiner relies on Anderson et al. to teach the use of ferric chloride to etch zinc plates. As with the previous combinations, Zuel is not properly relied on, and with regard to this combination and claim 8, Applicants submit that the MPEP requirements for establishing a *prima facie* case of obviousness have not been met.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Martelli, Köhler, Zuel, Luetgert et al., and in further view of U.S. Patent No. 4,020,762 (Peterson). Here, the Examiner relies on Peterson to teach "that it is old in the art of forming patterns in a metal printing plate to use laser etching." This combination, like the previous combinations, forms an improper basis for rejecting any of the claims in that there is no suggestion or motivation to combine Zuel with the other references. Moreover, as discussed in detail above, applying the process of Zuel to Martelli would render the Martelli products unsatisfactory for their intended use. Therefore, with regard to this combination of references and claim 8, Applicants respectfully submit that the MPEP requirements for establishing a *prima facie* case of obviousness have not been met.

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Martelli in view of Köhler, Zuel and Luetgert et al., and in further view of U.S. Patent No. 3,719,536 (Rheingold et al.). The Examiner relies on Rheingold et al. to teach "that it is old in the art of etching with a resist to use a thickness of approximately 0.002 in (50 microns) and generally to use a thickness less than 0.005 in (127 microns) since [there is] not [a] particular advantage in using additional thickness." The addition of the Rheingold et al. reference to the already improper combination does not render claim 10 of the present application obvious. Similarly, the Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Martelli in view of Köhler, Zuel, and in view of U.S. Patent No. 5,596,912 (Laurence et al.). Here, the Examiner relies on Laurence et al. to teach that "using progressively smaller abrasive bead sized results in favorable appearance properties." Again, the addition of the Laurence et al. reference to the already improper combination does

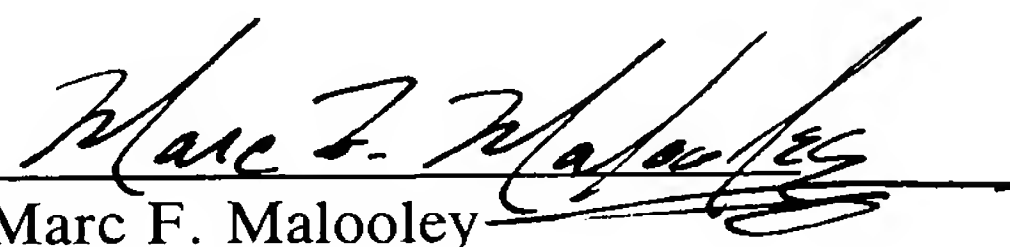
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not render obvious claims 11 or 12 of the present application. Therefore, with regard to these combinations, and claims 10-12, Applicants respectfully submit that the MPEP requirements for establishing a *prima facie* case of obviousness have not been met. Based on the foregoing, Applicants request allowance of each of the pending claims.

Respectfully submitted,

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